

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

P.O. BROWN and T.D. SHALON

Application No. 09/356,322

Filed: November 24, 1998

For: SUBSTRATE COMPRISING  
POLYNUCLEOTIDE  
MICROARRAYS

Art Unit: 1631

Examiner: A. Marschel

Attorney's Docket No: STFD 009--1/RHO

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**TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner, Glenn W. Rhodes, Esq., represents that he is an agent authorized to represent The Board of Trustees of the Leland Stanford Junior University having a place of business at Stanford, California (hereinafter "Stanford"), the assignee of record of the present U.S. Patent Application Serial No. 09/356,322, filed November 24, 1998. This application is a continuation application of U.S. Patent Application Serial No. 08/688,488, filed July 30, 1996, which is a continuation-in-part of application Serial No. 08/514,875 filed August 14, 1995, which is a continuation-in-part of application Serial No. 08/477,809 filed June 7, 1995, now U.S. Patent No. 5,807,522, which is a continuation-in-part of application Serial No. 08/261,388 filed June 17, 1994, now abandoned.

Stanford is also the assignee of record of all of the above-mentioned U.S. patent applications and patent.

Stanford hereby disclaims the terminal part of any patent granted on the above-identified application (U.S. Serial No. 09/356,322) that would extend beyond the expiration of its co-owned U.S. Patent No. 5,807,522 and hereby agrees that any patent granted on the above-identified application, or any patent granted on the above-identified application and subject to the reexamination proceeding, shall be enforceable only for and during such period that said patent is commonly owned with the application or patent that formed the basis of the obviousness-type

double patenting rejection, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application (U.S. Serial No. 09/356,322) prior to the expiration date of the full statutory term, as currently shortened by any terminal disclaimer, of Patent No. 5,807,522 in the event that Patent No. 5,807,522 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by terminal disclaimer, except for the separation of legal title stated above.

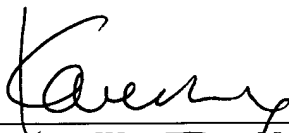
Petitioner is empowered to act on behalf of Stanford.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The fee for this disclaimer as set forth in 37 C.F.R. § 1.20(d) is enclosed. The Commissioner is authorized to charge an deficiency or credit any overpayment to Howrey & Simon's Deposit Account No. 08-3038.

Respectfully submitted,

Date: December 20, 2000

  
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Karen K. Wong (Reg. No. 44,409) for  
Glenn W. Rhodes (Reg. No. 31,790)

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